

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RETASHA CROMWELL,

Plaintiff,

v.

GC SERVICES, L.P., et al.,

Defendants.

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No. 4:13-CV-1589 CAS

ORDER

Upon review of the Court file, the Court notes there has been no activity in this action since the filing of the return of proof of service upon defendant GC Services, L.P., on September 10, 2013, which states that defendant was served on August 26, 2013. Defendant has not filed an answer or other response to the complaint and the time to do so has passed. Plaintiff will be ordered to seek an entry of default and a default judgment against defendant GC Services, L.P.

The Court will on its own motion dismiss without prejudice plaintiff's claims against the defendants "Does 1-10." "[A]n action may proceed against a party whose name is unknown [only] if the complaint makes allegations specific enough to permit the identity of the party to be ascertained after reasonable discovery." Estate of Rosenberg by Rosenberg v. Crandell, 56 F.3d 35, 37 (8th Cir. 1995) (quoting Munz v. Parr, 758 F.2d 1254, 1257 (8th Cir. 1985)). Plaintiff has failed to make allegations which are adequately specific to allow identification of these defendants, and therefore dismissal without prejudice is appropriate. See id., 56 F.3d at 37.

Accordingly,

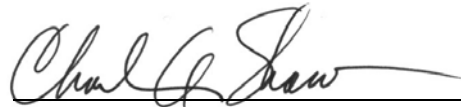
IT IS HEREBY ORDERED that plaintiff shall, within fourteen (14) days of the date of this order, file separate motions for entry of default by the Clerk of the Court under Federal Rule of Civil

Procedure 55(a) and for default judgment under Rule 55(b), supported by all necessary affidavits and documentation, as well as proposed orders for the Court's consideration.¹

Failure to comply timely with this order may result in dismissal of this matter without prejudice.

IT IS FURTHER ORDERED that plaintiff's claims against defendants "Does 1-10" are **DISMISSED without prejudice.**

An order of partial dismissal will accompany this order.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 1st day of October, 2013.

¹In addition to being electronically filed as a .pdf attachment to the motion(s) for default, a courtesy copy of all proposed orders should be sent in a word processing format to the Court's proposed orders e-mail inbox, at MOED_Proposed_Orders@moed.uscourts.gov. See Administrative Procedures for Case Management/Electronic Case Filing, § II. J.